

REMARKS

Reconsideration of this application as amended is respectfully requested.

Claims 1-5 and 7-11 are allowed. Claims 12-14 are rejected. Claim 15 is objected to. In this Amendment, claim 12 has been amended. No new matter has been added. Claim 15 has been cancelled.

35 U.S.C. § 102 Rejections

Claims 12-14 are rejected under 35 U.S.C. § 102(a, e) as being anticipated by Mitsui, US PUB 2003/0095232 (“Mitsui”). Applicants respectfully submit that claim 12 is patentable over the cited reference because Mitsui does not disclose all of the features of the independent claim 12.

Claim 12, as amended, recites:

A method of refractive error reduction of an eye by corneal reshaping including:

determining the required refractive correction for the eye;

characterizing the surface shape of at least that part of the eye which is to be subjected to reshaping; and

selecting a soft lens formed of a material and having a geometric configuration such that when fitted to the eye will **apply pressures to the surface of the eye in such manner as to assist in the required corneal reshaping the selected lens being of a type that has been manufactured so as to have a natural orientation and an everted orientation and is functional in both orientations, said lens being stable in the everted orientation when placed on the eye.**

(Emphasis added)

Mitsui discloses a myopia and/or astigmatism-correcting contact lens for correcting myopia and/or astigmatism based on the alteration in the shape of a patient's cornea (Mitsui, Abstract). Although Mitsui teaches that a patient can be examined to record progress in reaching an optimal shape or optimal level of correction (Mitsui, Page 6: Paragraph [0091]), Mitsui does not provide any details regarding how his contact lens will perform the optimal shape or optimal level of correction. Specifically, Mitsui fails to disclose a method of refractive error reduction of an eye by fitting a soft lens to the eye such that the soft lens will "apply pressures to the surface of the eye in such manner as to assist in the required corneal reshaping the selected lens being of a type that has been manufactured so as to have a natural orientation and an everted orientation and is functional in both orientations, said lens being stable in the everted orientation when placed on the eye," as set forth in claim 12. For at least the reasons stated above, Mitsui fails to disclose each and every feature of claim 12. Therefore, applicants respectfully submit that claim 12 is patentable over the cited reference.

Given that claims 13-14 directly or indirectly depend from claim 12, at least for reasons similar to those discussed above, it is respectfully submitted that dependent claims 13-14 are patentable over the cited reference. Accordingly, applicants request that the rejections of claims 12-14 under 35 U.S.C. § 102(a, e) be withdrawn.

Allowable Subject Matter

The Examiner's allowance of claims 1-5 and 7-11 is noted with appreciation.

Claim Objections

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants respectfully request that the objection to claim 15 be withdrawn because claim 15 has been cancelled.

CONCLUSION

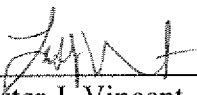
Applicants respectfully submit that in view of the amendments and arguments set forth herein, the applicable objections and rejections have been overcome. Applicants reserve all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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